

EXHIBIT 1 TO DEFENDANT'S RESPONSE TO THE UNITED STATES' MOTION FOR USE OF JUROR QUESTIONNAIRE AND EXPANDED JURY SELECTION PROCESS

Juror Questionnaire

Name: _____ Age: _____ Gender: _____ Date of Birth: _____

1. Where do you currently live? City or Community: _____ Zip code: _____
How long have you lived in your current location? _____ years Where were you born? _____
2. Please list all the other places you have lived, if any, since January 1, 2000:

<u>City or Community</u>	<u>State</u>	<u>From</u>	<u>To</u>
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____

3. What is your education level?
☐ Grammar school ☐ Some high school ☐ High school diploma
☐ Trade or technical school Subject studied: _____
☐ Some college Major/Degree: _____ School attended _____
☐ College degree Major/Degree: _____ School attended _____
☐ Graduate school Major/Degree: _____ School attended _____
4. What is your current or most recent job? (Please indicate if you are retired, a homemaker who does not work outside the home, unemployed, disabled, or a student. If so, describe your previous occupation or your most recent job.)

Employer:

Job title:

Please describe your job:

How long have you had (or did you have) this job? _____ years

5. Have you or someone close to you been laid off in the last year?
☐ Yes, me ☐ Yes, someone close to me ☐ No
 If yes, please describe:

6. What is your marital status?

- ☐ Single ☐ Married ☐ Separated
☐ Divorced, not remarried ☐ Divorced, now remarried
☐ Widowed, not remarried ☐ Widowed, now remarried

7. If married, or sharing a household with another adult, please describe that person's job. (Please indicate if they are retired, a homemaker who does not work outside the home, unemployed, disabled, or a student. If so, describe their previous occupation or most recent job.)

Employer:

Job title:

Please describe their job:

How long have they had (or did they have) this job? _____ years

8. Have you or someone close to you ever belonged to a union? ☐ Yes ☐ No

If yes, please describe:

9. Have you ever worked in a job involving public safety (e.g., police officer, fire fighter, EMT)?

☐ Yes ☐ No

If yes, please describe:

10. Have you ever worked for a federal, state, or local regulatory agency?

☐ Yes ☐ No

If yes, please describe:

11. Do you have children, stepchildren, or are you a guardian of any children? ☐ Yes ☐ No

If yes, please list the name, age, occupation and employer of each child.

Name

Age

Occupation

Employer/School

12. What is or was your mother and father's occupation and who is or was his or her employer?

Father:

Mother:

13. Have you or someone close to you ever served in the armed forces, including the reserves, National Guard, Merchant Marine, or ROTC?

☐ Yes ☐ No

If yes, please describe:

14. Is English your first language? ☐ Yes ☐ No If no, what is your first language? _____

How well do you understand written English? ☐ Very well ☐ Adequately ☐ Not very well

How well do you understand spoken English? ☐ Very well ☐ Adequately ☐ Not very well

Has anyone read or explained this questionnaire to you, or assisted you in answering these questions? ☐ Yes ☐ No

15. Are you a citizen of the United States? ☐ Yes ☐ No

16. Do you have any physical or mental disabilities that would impair your ability to serve as a juror?

☐ Yes ☐ No

If yes, please describe:

17. Have you ever been convicted of a crime other than a traffic offense? ☐ Yes ☐ No

If yes, please describe:

18. Have your rights been revoked by reason of a felony conviction and not restored? ☐ Yes ☐ No

If yes, please describe:

19. This trial may last up to six weeks. Do you have a significant hardship (e.g., a medical condition, family care obligation, economic hardship) that would make it difficult for you to serve as a juror for up to four weeks? ☐ Yes ☐ No

If yes, please describe:

20. How much, if anything, have you seen, read, or heard about the Upper Big Branch Mine explosion that occurred in April, 2010 in Raleigh County?

☐ Nothing ☐ A little ☐ Some things ☐ A lot

If more than nothing, what have you seen, read, or heard about the Upper Big Branch Mine explosion that occurred in April, 2010 in Raleigh County?

21. What opinions have you formed about the Upper Big Branch Mine explosion that occurred in April, 2010 in Raleigh County?

22. How much, if anything, have you seen, read, or heard about Don Blankenship, who was the former CEO of Massey Energy, which owned the Upper Big Branch Mine?

☐ Nothing ☐ A little ☐ Some things ☐ A lot

If more than nothing, what have you seen, read, or heard about Don Blankenship, who was the former CEO of Massey Energy, which owned the Upper Big Branch Mine?

23. What opinions have you formed about Don Blankenship, who was the former CEO of Massey Energy, which owned the Upper Big Branch Mine?

24. How much, if anything, have you seen, read, or heard about the investigation and indictment of Donald Blankenship, and about this trial?

☐ Nothing ☐ A little ☐ Some things ☐ A lot

If more than nothing, what have you seen, read, or heard about the investigation and indictment of Donald Blankenship, and about this trial?

25. What opinions have you formed about the investigation and indictment of Donald Blankenship, and about this trial?

26. How much, if anything, have you seen, read, or heard about any other investigations, indictments, and trials related to the Upper Big Branch Mine explosion that occurred in April, 2010 in Raleigh County?

☐ Nothing ☐ A little ☐ Some things ☐ A lot

If more than nothing, what have you seen, read, or heard about any other investigations, indictments, and trials related to the Upper Big Branch Mine explosion that occurred in April, 2010 in Raleigh County?

27. What opinions have you formed about any other investigations, indictments, and trials related to the Upper Big Branch Mine explosion that occurred in April, 2010 in Raleigh County?

28. Please review the listing of individuals who may be called as witnesses in this case (set forth in Appendix A, attached at the end of this Questionnaire) and indicate whether you are acquainted with, or have any affiliation with, any of the people listed.

29. Do you know, or have any association with, any of the attorneys involved in this case or with any member of their offices? If yes, please place a check mark beside the name).

- ___ R. Booth Goodwin II, United States Attorney
- ___ Steven R. Ruby, Assistant United States Attorney
- ___ R. Gregory McVey, Assistant United States Attorney
- ___ Gabriele Wohl, Assistant United States Attorney
- ___ Any attorney or employee of the United States Attorneys Office for the Southern District of West Virginia
- ___ William W. Taylor, III, Zuckerman Spaeder LLP
- ___ Blair G. Brown, Zuckerman Spaeder LLP
- ___ Eric R. Delinsky, Zuckerman Spaeder LLP
- ___ R. Miles Clark, Zuckerman Spaeder LLP
- ___ Steven N. Herman, Zuckerman Spaeder LLP
- ___ Any attorney or employee of the law firm Zuckerman Speader LLP
- ___ James A. Walls, Spilman, Thomas & Battle, PLLC
- ___ Alex Macia, Spilman, Thomas & Battle, PLLC
- ___ Any attorney or employee of the law firm Spilman, Thomas & Battle, PLLC

If yes, please describe:

Have you formed any opinions about this case as a result of reviewing the list of attorneys and law firms involved in the case? () Yes () No

If yes, please describe:

30. Do you currently have a court case of any kind pending? () Yes () No

If yes, please describe:

31. Have you or someone close to you ever worked at the Upper Big Branch Mine?

() Yes () No

If yes, please describe each person's involvement:

32. Do you know anyone who has been killed or injured in a mine?

☐ Yes ☐ No

If yes, please describe:

33. Have you or someone close to you ever worked anywhere in the coal mining industry?

☐ Yes ☐ No

If yes, please describe each person's involvement:

34. To what extent, if any, is your life impacted (economically, socially, etc.) by the coal mining industry?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite a bit ☐ A lot

Please describe:

35. To what extent, if any, are you concerned about the environmental impact of coal mining in this area?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite a bit ☐ A lot

Please describe:

36. To what extent, if any, are you concerned about the economic impact of coal mining in this area?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite a bit ☐ A lot

Please describe:

37. To what extent, if any, are you concerned about worker safety in the coal mining industry in this area?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite a bit ☐ A lot

Please describe:

38. Do you know anyone who has worked as a mine inspector?

☐ Yes ☐ No

If yes, please describe:

39. Do you know anyone who has worked in the field of mine safety (e.g., safety training, safety program development)?

☐ Yes ☐ No

If yes, please describe:

40. Do you know anyone who has been terminated from a job at a coal mine?

☐ Yes ☐ No

If yes, please describe:

41. Do you know anyone who has been diagnosed with coal worker's pneumoconiosis (Black Lung disease)?

☐ Yes ☐ No

If yes, please describe:

42. Have you or someone close to you ever been to a health screening for pneumoconiosis, asbestos, silicosis, or some other lung condition?

☐ Yes ☐ No

If yes, please describe:

43. How much, if anything, do you feel you know about underground coal mining?

☐ Nothing ☐ A little ☐ Some things ☐ A lot

If more than nothing, please describe generally what you know and how you learned this information:

44. In a phrase or two, please describe what you feel is meant by the term "coal country." (For example, as the term is used in the phrase, "We live in coal country.")

45. Do you have any concerns or opinions about the company Massey Energy and its coal mining activities?

☐ Yes ☐ No

If yes, please describe:

46. Do you have any concerns or opinions about other coal mining companies and their coal mining activities?

☐ Yes ☐ No

If yes, please describe:

47. Do you have any concerns or opinions about Donald Blankenship's political activities and political beliefs?

☐ Yes ☐ No

If yes, please describe:

48. Have you or someone close to you ever: (check all that apply)

Sued someone? ☐ Yes, I have ☐ Yes, someone close has ☐ No

Been sued? ☐ Yes, I have ☐ Yes, someone close has ☐ No

Been in a situation where you could
have filed a lawsuit, but chose not to? ☐ Yes, I have ☐ Yes, someone close has ☐ No

If yes, please describe:

49. Have you ever served on a jury? (Check all that apply).

☐ Yes, civil trial ☐ When? _____ How long did you serve? _____

☐ Yes, criminal trial ☐ When? _____ How long did you serve? _____

☐ No, I have been called for jury duty, but did not serve

☐ No, I have never been called for jury duty

If yes, have you served more than once? _____ How many times? _____

If yes, did you deliberate to verdict? ☐ Yes ☐ No

Is there anything about your jury experience that would make it difficult for you to serve on this case? ☐ Yes ☐ No

If yes, please describe:

50. Have you or someone close to you ever been the victim of, or a witness to, a significant crime?

☐ Yes ☐ No

If yes, please describe:

51. In general, what are your feelings and opinions about prosecuting attorneys?

52. In general, what are your feelings and opinions about criminal defense lawyers?

53. To what extent do you feel safe from crime?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite ☐ Very

Please explain:

54. Have you, or anyone close to you, been strongly effected by a crime, either growing up or as an adult?

☐ Yes ☐ No

If yes, please describe:

55. Have you or someone close to you ever been involved in a serious accident, for example a car, home, or work-related accident?

☐ Yes ☐ No

If yes, please describe:

56. To what extent are you concerned about you or your family's safety as a result of where you live or work?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite ☐ Very

Please explain:

57. Have you or someone close to you been strongly affected by the recent economic conditions?

☐ Yes ☐ No

If yes, please describe:

58. Have you experienced a major change (e.g., the birth of a child, a death, a graduation, or other change in family structure) in your family during the last few years?

☐ Yes ☐ No

If yes, please describe:

59. Have you or someone close to you experienced a major change in an employment situation during the last few years?

☐ Yes ☐ No

If yes, please describe:

60. Have you or someone close to you experienced a major change in health during the last few years?

☐ Yes ☐ No

If yes, please describe:

61. Are there any personal tragedies in your life that still strongly affect you emotionally?

☐ Yes ☐ No

If yes, please describe:

62. Have you ever belonged to a group or organization involved in law enforcement, or the criminal justice processes, such as Block Watch, Neighborhood Watch, Crime Line, Victims for Victims, court monitoring, Mothers Against Drunk Driving, Tough Love, etc.?

☐ Yes ☐ No

If yes, please describe:

63. Have you ever you ever been involved with a fire or police department, or some other public safety agency?

☐ Yes ☐ No

If yes, please describe:

64. Have you ever reported any kind of fraud or financial crime to any investigative agency?

☐ Yes ☐ No

If yes, please describe:

65. Have you ever been involved in a “whistleblower” type situation?

☐ Yes ☐ No

If yes, please describe:

66. Have you ever made or filed a formal work-related grievance or complaint?

☐ Yes ☐ No

If yes, please describe:

67. Do you believe that conspiracies between business executives are common?

☐ Definitely ☐ Probably ☐ Probably not ☐ Definitely not

68. How common is it for corporate executives to engage in illegal business activities?

☐ Very common ☐ Somewhat common ☐ Somewhat rare ☐ Very rare

69. Have you ever had anyone lie to you or mislead you in a business dealing?

☐ Yes ☐ No

If yes, please describe:

70. To what extent do you consider yourself to be a person who pursues “causes” to improve some aspect of society or the world?

☐ Not at all ☐ A little ☐ Somewhat ☐ Quite ☐ Very

71. Have you ever volunteered time to help with a political campaign?

☐ Yes ☐ No

If yes, please describe:

72. Have you ever contributed money to help with a political campaign?

☐ Yes ☐ No

If yes, please describe:

73. If you believed that your boss was engaged in wrongdoing, what would you do?

- ☐ Confront your boss ☐ Report it to someone else in the company
☐ Report it to the police ☐ Keep quiet

Please explain your opinion.

74. Do you believe law enforcement officers are more likely or less likely to tell the truth than other witnesses?

- ☐ Much more likely ☐ More likely ☐ No difference ☐ Less likely ☐ Much less likely

75. Which do you believe would be the greater wrong?

- ☐ For a jury to find a guilty person not guilty ☐ For a jury to find an innocent person guilty

76. Which do you believe is the most important purpose for punishment in a criminal case:

- ☐ Penalty/retribution ☐ Deterrence/prevention ☐ Rehabilitation/reform

Please indicate the extent you agree or disagree with the following statements:

77. *If the government has charged someone with a crime, then that person has probably engaged in some kind of wrongdoing.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

78. *People who make a lot of money are treated better by our court system than other people.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

79. *Regardless of the law, if someone has been charged with a crime, he or she should be expected to prove his or her innocence.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

80. *There are too many technicalities in the law that allow guilty people to go free.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

81. *The law should concern itself more with victims of crime than with those accused/convicted of crimes.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

82. *People sentenced to prison often do not serve any significant portion of their punishment.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

83. *Most coal mine operators care more about producing coal than about the safety of their miners.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

84. *Most corporate executives would break the law if they thought they would not get caught.*

- ☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

85. *The compensation plans for top executives of large corporations encourage corruption.*

☐ Strongly agree ☐ Agree ☐ Unsure ☐ Disagree ☐ Strongly disagree

86. Please list any organizations, civic clubs, societies, professional associations, recreational groups, or clubs that you have belonged to.

87. What magazines, newspapers, radio stations, or on-line information services do you regularly read?

88. Please list the three people you admire most.

1.

2.

3.

89. Is there anything about corporate America and its conduct that makes you angry?

☐ Yes ☐ No

If yes, please describe:

90. Is there anything about the coal mining industry and its conduct that makes you angry?

☐ Yes ☐ No

If yes, please describe:

91. Have you ever followed any trials closely on TV, the radio, or in the news?

☐ Yes ☐ No

If yes, please describe:

92. The Constitution of the United States provides that a person who is accused of a crime does not have to testify on his behalf. How do you feel about this Constitutional right?
93. The Constitution of the United States provides that a person who is accused of a crime is presumed innocent at all times unless the prosecution proves him guilty beyond a reasonable doubt. How do you feel about this Constitutional right?
94. In general, would you view the evidence presented by the defense differently than you would the evidence presented by the prosecution?
☐ Yes ☐ No
If yes, please describe:
95. If you are selected to serve as a juror on this case, would you be concerned about reactions to your verdict by anyone, including friends, family members, neighbors, acquaintances, or coworkers?
☐ Yes ☐ No
If yes, please describe:
96. If you are chosen to be a juror, and while jury selection is in process, you are not permitted to read or listen to any media or Internet coverage of this case and related subjects while the case is pending. Is there any reason why you cannot follow this instruction?
☐ Yes ☐ No
If yes, please describe:

97. If you are chosen to be a juror, and while jury selection is in process, the Court will instruct you that you will not be able to blog, tweet, post on Facebook or other social networks, talk about, or otherwise communicate anything about this case while the case is pending. Is there any reason why you cannot follow this instruction?

☐ Yes ☐ No

If yes, please describe:

98. Do you have any personal, moral, or religious beliefs or opinions that would influence or affect your ability to follow the law as it is explained to you at the end of the case or to render judgment?

☐ Yes ☐ No

If yes, please describe:

99. Is there anything that you think would be relevant to this case or your service as a juror that you did not include on this questionnaire and would prefer to discuss privately?

☐ Yes ☐ No

I declare under penalty of perjury that the answers set forth in this Jury Questionnaire are true and correct to the best of my knowledge and belief. I have not discussed my answers with others, or received assistance in completing the questionnaire.

DATED this ____ day of _____, 2015

Juror Signature

Print Name

PLEASE USE THE SPACE BELOW TO FINISH ANY OF YOUR ANSWERS.